

VZCZCXR06656

OO RUEHBC RUEHDIR RUEHKUK RUEHTRO

DE RUEHUNV #0544/01 3371510

ZNY CCCCC ZZH

O 031510Z DEC 09

FM USMISSION UNVIE VIENNA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 0364

INFO RUCNIRA/IRAN COLLECTIVE PRIORITY

RUEHII/VIENNA IAEA POSTS COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 06 UNVIE VIENNA 000544

NOFORN

SIPDIS

E.O. 12958: DECL: 12/03/2034

TAGS: KNNP AORC IAEA IR

SUBJECT: IAEA/IRAN: BOARD ADOPTS RESOLUTION IN RESPONSE TO THE ONGOING AND SERIOUS CONCERN THAT TEHRAN CONTINUES TO DEFY UNSC AND BOARD RESOLUTIONS

REF: UNVIE VIENNA 000538

Classified By: Ambassador GLYN DAVIES for reasons 1.4(b) and (d)

Summary

¶11. (SBU) The IAEA Board of Governors passed a resolution censuring Iran's nuclear program on November 27, marking the first time since Iran was referred to the UN Security Council in February 2006 that the Board has taken formal action on Iran. The German-sponsored resolution had the support of all P5-plus-1 partners, effectively a demonstration of our unity of purpose on the Iran nuclear issue in a clear message to Tehran. The overwhelming vote of 25-3 (6 abstentions and 1 absent) further underlined international concerns as to Iran's nuclear intentions, and was in line with the 2006 vote (27-3-5). Notably, the vote split the 13 NAM Board members with six voting in favor (Burkina Faso, Cameroon, India, Kenya, Mongolia and Peru), and only NAM hardliners (Cuba, Venezuela and Malaysia) against, with four others abstaining (Afghanistan, NAM Chair Egypt, Pakistan and South Africa). Turkey also abstained in what it claimed was an effort to preserve its neutrality in playing a potential role in the Tehran Research Reactor deal. This tenth IAEA Board resolution on Iran (the others dating back to 2003-2006) urging Tehran to comply fully with its UNSC and Board obligations, including by halting the construction of the recently disclosed Fordow Fuel Enrichment Plant (FFEP) near Qom; engaging with the IAEA on resolution of all outstanding issues, complying fully with its safeguards obligations on early declaration of facilities, providing clarifications regarding the purpose and timing of the enrichment plant at Qom, and confirming that it has no other undeclared facilities. It also requested the IAEA Director General to report the resolution to the UN Security Council. (The IAEA Secretariat subsequently confirmed to Mission that the resolution was formally conveyed to the UNSC via a December 1 letter.)

¶12. (SBU) Adoption of the resolution followed the Board debate on the Iran agenda item on November 26-27 (Reftel). Pakistan, the U.S., India, Egypt, Venezuela, Cuba, Malaysia, Brazil, and Germany also delivered explanations of vote (EOVs) after the vote. India and Egypt delivered EOVs that were more helpful than their statements during the Board debate, critical of Iran's shortcomings per the Director General's (DG) report and the existence of the FFEP, with Egypt citing undeclared facilities as a regional threat. Venezuela, Cuba, and Malaysia reiterated their opposition to the resolution, which would have a counterproductive impact. Iran also responded, characterizing the resolution as "imposed on the Board by a few members." In an admonition to the Board, Ambassador Soltanieh recalled how the Iranian Parliament had suspended voluntary cooperation with the IAEA

in response to the 2006 BOG resolution reporting its file to the UNSC, and noted that the passing of this resolution would similarly jeopardize the current "conducive environment" and cooperation with the IAEA. Adding emphasis, Ambassador Soltanieh said that Iran will "never" bow to threats or pressure and that Iran's peaceful uses of nuclear technology will not be interrupted for "even a second." Tehran responded with more bluster in the days following the vote, including the widely reported announcement that Iran would build ten more industrial-scale enrichment facilities. End Summary.

Unified P5 1 Marshal Support

¶3. (C) Following P5 1 Poldir deliberations in Brussels November 20, the P5 1 discussed and agreed to the German-sponsored text in Vienna. Although China did not have instructions formally to co-sponsor, the final text incorporated Chinese language on a diplomatic solution. Germany submitted the resolution to the Secretariat November 25 under a cover letter noting that it had been "discussed and agreed" among the P5 1 (Note: There were no formal co-sponsors. Russia and the U.S. spoke in support of the resolution in our national statements at the Board while China refrained from doing so. End note). Although privately counseling against a Board resolution (see para 8), IAEA Director General (DG) ElBaradei refrained from public comment. Ambassador advised the DG that it was intended to send a measured signal in light of Iranian backsliding on the TRR.

UNVIE VIEN 00000544 002 OF 006

¶4. (C) The P3 and Germany led a concerted lobbying effort in Vienna and capitals to secure the vote, and lined up support from almost half the NAM members on the Board (Peru, Mongolia, Burkina Faso, Cameroon, Kenya and significantly, India.) (Comment: Mission has learned that during the NAM Plenary, the UAE prevented the NAM from taking a formal position of opposition to the German-sponsored resolution. Mission also learned that UAE Ambassador Hamad Al-Kaabi took this position following a lunch with DDG Safeguards Heinonen in which Heinonen discussed the Iranian issue. Heinonen (protect) told Mission in confidence that he came away from the lunch with the impression that the Gulf states (i.e. GCC) had "had enough" of Iran's defiance of its nuclear obligations. End Comment.) Ambassador thanked Al-Kaabi for speaking up under the Iran agenda item during Board deliberations.

¶5. (C) Throughout the negotiations on the resolution, Russia was steadfast, including with respect to Egypt's effort to inject language on a Middle East NWFZ absent a commitment of support. Ambassador engaged in extensive interactions with his Egyptian counterpart in the days before the vote with the goal of winning Cairo's "yes." This diplomatic offensive included previews of the P5 1 position, an unconditional offer to include preambular language on the Middle East from the 2006 Iran resolution, and strong Washington/Embassy Cairo engagement. Ultimately, Egypt walked away, claiming Minister Abu Gheit would support a yes vote only if the P5 1 incorporated additional operative paragraph language that would change the character of the resolution aimed at Iran. The E3 agreed that such a change was unacceptable and all P5 1 agreed before the vote to call time on the Egyptian effort.

¶6. (C) While Brazil wavered in the wake of the Ahmadinejad visit, Egypt refused to commit, and South African Governor Minty kvetched about the scope of the resolution, it was clear that the resolution had majority support for passage. Pakistan informed us apologetically of instructions to abstain. The Indian Mission worked with unprecedented transparency to help ensure their yes vote. Indeed, we saw a

November 26 message warning that if forced to a vote that day, India would have to abstain. The instruction to vote yes came early on November 27. Turkey was the other outlier.

Ambassador delivered a tough message to Turkish Governor Fidan as to the seriousness of this issue for the U.S., and Fidan relayed the Turkish position that this was the wrong time for a resolution as it would torpedo the TRR deal, in which Turkey now had a stake. Turkey had no disagreement with the text of the resolution, but had trouble seeing its current utility if we still wished for a diplomatic resolution to the issue, which Fidan said was Ankara's priority. It was clear that Turkey was immovable off of its "abstain" vote, although the Governor seemed a bit distressed at the prospect of upsetting the U.S. just prior to Prime Minister Erdogan's visit to Washington.

¶17. (C) Among the WEOG, the Swiss also wavered temporarily. The Swiss Mission in Vienna had recommended support to Bern. Upon receiving instructions to condition support on adding unacceptable language on the sharing of Member State information, the Mission advised Bern against this and the language was shelved, the Swiss blaming an overactive officer at their MFA for suggesting it.

¶18. (C) ElBaradei also sought Ambassador out at the outset of the Friday Board and asked that the resolution on Iran be withdrawn, saying it would provoke the Iranians to cease or greatly diminish cooperation with both the P5 1 and the IAEA.

Ambassador reiterated the importance of sending Iran a measured signal to reinforce the IAEA's efforts, as well as in light of its backsliding on the TRR deal. ElBaradei dismissed the comment and was clearly dejected.

The Vote

¶19. (SBU) As Cuba, Venezuela, and Malaysia had signaled opposition during the Board debate, the Board Chair concluded that there was no consensus on the Iran resolution. Venezuela called for a roll call vote. Twenty-five countries voted in favor as follows: Argentina, Australia, Burkina Faso, Cameroon, Canada, China, Denmark, France, Germany, Japan, India, Kenya, South Korea, Mongolia, Netherlands, New Zealand, Peru, Romania, Russia, Spain, Switzerland, Ukraine, the U.K., the U.S., and Uruguay. Three voted no-Cuba, Malaysia, and Venezuela. Six abstained-Afghanistan, Brazil,

UNVIE VIEN 00000544 003 OF 006

Egypt, Pakistan, South Africa, and Turkey. Azerbaijan was absent for the vote. (Comment: According to a Russian readout, the Azeri Ambassador had indicated that it would be difficult for Baku to support the resolution, as a neighbor of Iran. We attribute his absence to a diplomatic head cold, but Azerbaijan inadvertently also missed the vote on Russian fuel reserve proposal which followed. It later sent a letter to the Board Chair, for circulation to all Member States, stating that it would have supported the Russian resolution of which it was a sponsor. There was no such letter as to Azerbaijan's Iran vote. End Comment.)

Explanations of Vote

¶10. (SBU) After the vote, Pakistan, the U.S. (para 17), India, Egypt, Venezuela, Cuba, Malaysia, Brazil, and Germany delivered EOVS. Pakistan described its abstention as an effort to avoid steps that could be viewed as confrontational and threaten the opportunity for progress. Pakistan said it was heartened by the recent positive engagement and believed the progress should be preserved and carried forward. India's intervention was very strong, certainly falling into the category of that of the core like-minded, though it came out against sanctions, and much more detailed than its national statement (septel). (Note: The Indian Charge

explained that he had down-scaled his national statement the previous day, as he had not received instructions at that juncture). India explained its "yes" vote as a reflection of all the negatives-no movement on outstanding issues and late notification of the FFEP-in the DG's report, which were hard to ignore. India also stressed the importance of continued cooperation, encouraged all to carry forward with the recent talks and opposed sanctions.

¶11. (SBU) Egypt delivered a solid statement that was partially at variance with its pronouncements as NAM Chair and its national statement the previous day (septel). Egypt cited disappointment with Iran over the existence of the FFEP, especially in light of Tehran's "repeated assurances in the IAEA that nothing was being concealed from its members." Egypt also noted undeclared nuclear facilities as a threat to the region (i.e., indirectly equating facilities in Israel and Iran.) Egypt chastised Iran for continuing to ignore repeated calls by the IAEA for an early return to the implementation of Code 3.1 modified. Egypt also complained that the timing of the resolution was inopportune and ignored the broader context in the Middle East, thus accounting for Egypt's abstention.

¶12. (SBU). Venezuela restated its opposition to the resolution as it will result in an "exacerbation of the climate for a conducive environment." Cuba and Malaysia likewise expressed their opposition to the resolution as it would aggravate the political environment. Cuba regretted that the sponsors did not listen to the opposition in the Board room and was gratified the resolution was not approved by consensus. Malaysia noted this move was counterproductive and would be detrimental to dialogue. Brazil repeated a portion of its national statement that said there was still hope for the TRR deal and all Member States should refrain from taking actions that could interfere with this process.

Germany Sends Strong Message and
Notes Openness for Dialogue Remains

¶13. (SBU) Germany, as the sponsor of the resolution, delivered a statement that summarized comments made during the Board and described the unfortunate situation in which Iran, Ambassador Soltanieh specifically, threatens further consequences in response to the adoption of the resolution even though earlier criticizing those who "use the language of threats." Highlighting points made by other Member States in an effort to demonstrate broad support, Germany noted it shared the same sentiment as Libya about threats not helping the current situation and a Mongolian comment about the resolution not being condemnatory or confrontational as correct. Germany explained hope still remained for a comprehensive diplomatic solution, as relayed in the E3-plus-3 March Board statement and concluded that Iran should take the hand outstretched by the E3-plus-3.

Iran's Criticism and Threats

UNVIE VIEN 00000544 004 OF 006

¶14. (SBU) Iranian Ambassador Soltanieh responded to the vote on the resolution and the EOVS with, as with his statement the day before, an unusually calm and even tone for the most part. Soltanieh characterized the resolution as "imposed on the Board by a few members" despite the overwhelming more than two-thirds vote in favor of the resolution. He again recounted Iran's cooperation with the IAEA and said that the lesson he had drawn was that being a party to the NPT results in pressure and threats, while not being in the NPT and building nuclear weapons has benefits (Comment: The Indian delegation took note of this snipe which they saw as levied against India. End Comment). In an

admonition to the Board, Soltanieh recalled that the Iranian Parliament had suspended voluntary cooperation with the IAEA in response to the Board reporting its file to the UNSC, even though he implored the Majles not to take this step. He also noted that the passing of the resolution will jeopardize the conducive environment such as that in which the Geneva discussions took place and that he now doubted the good will of the P5 plus 1 parties. Adding emphasis, he said that Iran will "NEVER" bow to threats or pressure and that Iran's peaceful uses of nuclear technology will not be interrupted for "EVEN A SECOND."

¶15. (SBU) Soltanieh then attacked "Zionist state" Israel, calling its intervention "shameful" and asking how they could dare to speak on this issue. He cited Israeli threats as forcing Iran to build backup facilities such as the FFEP. In classic Soltanieh style, he said that Iran was ready to bear the costs of a fact-finding mission to investigate Israeli atrocities, such as the "war crime" of Israel turning the women and children of Gaza into ashes.

¶16. (C) Finally, Soltanieh turned his attention to the West, telling Germany that Iran responds poorly to the word "must" and typically refuses anything so demanded of it. He called the use of carrots and sticks an "uncivilized policy from the colonial era" and said that the U.S. slogan of change was a farce. "Today," Soltanieh crowed, the U.S. proved that its words and its deeds are not consistent and that it is not ready to extend its hand for cooperation. Iran "for sure" will have a response to the resolution. "This is not a threat," Soltanieh insisted, "just a reality," (an interesting observation given his long-winded soliloquy on why the language of threats is always inappropriate). (Comment: It is not clear why Soltanieh's tone was so measured at the Board, although it was certainly possible that his comments were being carefully watched in Tehran given his propensity to go further than Tehran is prepared to go, as with his support of the TRR proposal. Nonetheless, his words found little resonance in the Board, much of which is exasperated by Soltanieh and Iran. End Comment.)

U.S. Statement

¶17. (SBU) The U.S. delivered the following EOV, which was not/not circulated to Board members. Board members and press received the public statement.

Begin text of U.S. EOV (not for release):

We have adopted today a resolution on Iran - the first adopted by the IAEA Board of Governors since 2006 - that reinforces our serious concern that Iran continues to defy relevant IAEA Board of Governors and UN Security Council resolutions.

The United States continues to urge Iran to comply fully and without delay with its obligations under UN Security Council resolutions and to meet the requirements of the Board of Governors, including by suspending immediately construction at Fordow. We also urge Iran to engage with the IAEA on the resolution of all outstanding issues concerning Iran's nuclear program and, to this end, to cooperate fully with the IAEA by providing such access and information that the Agency requests to resolve these issues. We believe that the Board's resolution underscores the imperative for Iran to live up to its international obligations and offer transparency in its nuclear program, if it wishes to demonstrate its exclusively peaceful intent, rather than more evasions and unilateral reinterpretations of its obligations. The United States fully supports the IAEA in its efforts, particularly at a time when the international nonproliferation regime is in need of strengthening.

At the same time, President Obama has made clear the United States' willingness to engage Iran and work toward a

diplomatic solution to the nuclear dilemma it has created for itself, if only Iran would choose such a course. But our patience and that of the international community is limited. To date, Iran has refused a follow-on meeting to the October 1 meeting with the P5+1 countries if its nuclear program is included on the agenda. The U.S. strongly supported-and continues to support-the Director General's positive proposal to provide Iran fuel for its Tehran Research Reactor, a proposal intended to help meet the medical and humanitarian needs of the Iranian people while building confidence in Iran's intentions. We will continue to pursue the diplomatic solution we all seek, but Iran must understand that its continued refusal to move with us down the track of serious engagement leaves us no choice but to pursue a second track of persuasive actions.

End U.S. Statement.

The Resolution

¶18. (SBU) Begin text of Resolution GOV/2009/82:

The Board of Governors,
(a) Recalling the Resolutions adopted by the Board and the UNSC,

(b) Commending the Director General for his professional and impartial efforts to implement the Safeguards Agreement in Iran, to resolve outstanding safeguards issues in Iran and to verify the implementation by Iran of the suspension,

(c) Stressing the important role played by the IAEA in resolving the Iranian nuclear issue and reaffirming the Board's resolve to continue to work for a diplomatic solution to the Iranian nuclear issue,

(d) Reaffirming the inalienable rights of all the parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes in accordance with Article IV of the NPT,

(e) Commending the Director General for his proposal of an Agreement between the International Atomic Energy Agency and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor; appreciating the intensive efforts of the Director General to achieve an agreement on his proposal,

(f) Noting with serious concern that Iran continues to defy the requirements and obligations contained in the relevant IAEA Board of Governors and UN Security Council Resolutions, Atoms for Peace

(g) Also noting with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligation to suspend all enrichment related activities and that Iran's failure to notify the Agency of the new facility until September 2009 is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement,

(h) Affirming that Iran's failure to inform the Agency, in accordance with the provisions of the revised Code 3.1, of the decision to construct, or to

authorize construction of, a new facility as soon as such a decision is taken, and to submit information as the design is developed, does not contribute to the building of confidence,

(i) Underlining that Iran's declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities and gives rise to questions about whether there are any other nuclear facilities under construction in Iran which have not been declared to the Agency,

(j) Noting with serious concern that, contrary to the request of the Board of Governors and

UNVIE VIEN 00000544 006 OF 006

the requirements of the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme,

(k) Emphasizing the Director General's assertion that unless Iran implements the Additional Protocol and, through substantive dialogue, clarifies the outstanding issues to the satisfaction of the Agency, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and

(l) Noting that the Director General has repeatedly declared that he is unable to verify that Iran's programme is for exclusively peaceful purposes,

¶1. Urges Iran to comply fully and without delay with its obligations under the above mentioned resolutions of the Security Council, and to meet the requirements of the Board of Governors, including by suspending immediately construction at Qom;

¶2. Urges Iran to engage with the Agency on the resolution of all outstanding issues concerning Iran's nuclear programme and, to this end, to cooperate fully with the IAEA by providing such access and information that the Agency requests to resolve these issues;

¶3. Urges Iran to comply fully and without qualification with its safeguards obligations, to apply the modified Code 3.1 and implement and ratify promptly the Additional Protocol;

¶4. Urges Iran specifically to provide the Agency with the requested clarifications regarding the purpose of the enrichment plant at Qom and the chronology of its design and construction;

¶5. Calls on Iran to confirm, as requested by the Agency, that Iran has not taken a decision to construct, or authorize construction of, any other nuclear facility which has as yet not been declared to the Agency;

¶6. Requests the Director General to continue his efforts to implement the Safeguards Agreement in Iran, resolve the outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme, and to implement the relevant provisions of UNSC resolutions;

¶7. Further requests the Director General to report this resolution to the UNSC; and

18. Decides to remain seized of the matter.

End Resolution.

DAVIES